

**MINUTES OF THE PROCEEDINGS OF THE
PLANNING BOARD OF THE CITY OF WORCESTER**

October 6, 2010

WORCESTER CITY HALL – LEVI LINCOLN ROOM

Planning Board Members Present: Anne O’Connor, Chair
Scott Cashman, Vice Chair
Stephen Rolle, Clerk
Andrew Truman
Satya Mitra

Staff Present: Joel Fontane, Division of Planning & Regulatory Services
Lara Bold, Division of Planning & Regulatory Services
Luba Zhaurova, Division of Planning & Regulatory Services
K. Russell Adams, Department of Public Works & Parks
Jennifer Beaton, Law Department
John Kelly, Department of Inspectional Services

BOARD SITE VISITS

REGULAR MEETING (5:30 PM)

CALL TO ORDER

Chair Anne O’Connor called the meeting to order at 5:40 PM.

**REQUESTS FOR CONTINUANCES, EXTENSIONS OF TIME, POSTPONEMENTS,
WITHDRAWALS**

None.

NEW BUSINESS

Public Meeting

- 1. 16 Salisbury Street – Definitive Site Plan (PB-2010-064):** Attorney Todd Rodman, representative for Acorn Management Co., Inc., stated that the applicant is seeking to renovate and rehabilitate the existing building, formerly Vocational School and Boys & Girls Club, to provide 28 market rate rental housing units. Attn. Rodman stated that Acorn Management had executed a terms of conveyance agreement with the City on April 13, 2010 and expects to purchase the parcel from the City in late November – early December. He stated that because the building is located in the BG-6.0 zoning district, no off-street parking is required for the use, but that the petitioner is working with the City to finalize an easement over a portion of the lot on Prescott Street, belonging to the City, for 37 parking spaces. He stated that Zoning Board of Appeals granted approval on October 18, 2010 for 1) a Special Permit for expansion or change of a pre-existing non-conforming structure, 2) a Special Permit to modify parking layout with respect to access aisle width, 3) a Special Permit to modify parking requirements to allow for 8 stacked parking spaces and layout requirements with respect to reducing landscape buffers and 4) a Variance for

relief of 94 feet from the frontage requirement. Mr. Rodman stated that the site is a City-designated priority development site.

Also present were David Sherer, Director of Development for Acorn Management and Bill Maden from J&F Engineering. Mr. Sherer stated that the exterior of the building will be restored to its original condition and that certain interior features of the building will also be preserved, such as fireplaces, and that the former pool area will be used for the common area. He stated that the vision of the project is to make it part of Lincoln Square, a gateway to the City. He stated that the financing has been put in place. Mr. Adams asked why the petitioner is proposing stacking of the parking spaces. Mr. Sherer stated that the goal is to maximize space and that he anticipates that most families will have 2 cars and that each back-to-back arrangement will serve a unit. Mr. Adams stated that he was amenable to that. Mr. Fontane asked if there would be a dumpster on site. Mr. Sherer stated that a compactor and a trash chute are proposed. Mr. Fontane stated that an interior area for trash storage is preferred. He asked if the access to the parking lot would be from the northern portion of Prescott Street. Mr. Sherer said yes and stated that a developer of the abutting property will be working with the City on perpetual easement documents for using the other portion of the former street for parking. He stated that his understanding was that the residents of 16 Salisbury Street will not be able to use the other portion of the parking area. Mr. Fontane highly recommended the project to the Board. Mr. Cashman asked to explain what market-rate housing is. Mr. Sherer explained that this type of housing does not include subsidized units, such as Section 8, and that the project is a for-profit development that will not seek tax relief. Mr. Cashman stated that he was in favor of the project. Mr. Rolle stated that it is an iconic building in the City, expressed support for the project and stated that he thinks the use is appropriate for the site. Mr. Mitra expressed support for the project and asked what the timeline is. Mr. Sherer stated that financing is in place and that he hopes to finalize the contract with the City by the end of November, after which an 8 months construction period would begin. Mr. Truman asked how many bedrooms will be in the building. Mr. Sherer handed out the unit breakdown (Exhibit G) and stated that there will be 52 bedrooms. Mr. Truman asked if there will be restrictions on units for parking. Mr. Sherer said yes. Mr. Truman stated that 18-ft dimensions for the parallel parking spaces might be tight. Mr. Sherer stated that he wanted to maximize parking the best he can. Mr. Truman suggested blocking off the proposed parking area from the neighbor's parking area. Mr. Rodman stated that the fencing off is in the plans and that it is planned to be coordinated at the closing. Mr. Truman expressed support for the project.

Upon a motion by Mr. Rolle and seconded by Mr. Cashman, the Board voted 5-0 to approve the Definitive Site Plan with the following conditions of approval:

- That six copies of a revised plan be submitted with the following information:
 - Include proposed dimensions in the “Zoning Analysis Table” on sheet EX-1 and a note indicating all relief requested from the Zoning Board of Appeals and any conditions of that Board’s approval.
 - On Sheet C-1 and EX-1 label the proposed use of the building and the total area of the building on the depiction itself.
 - Clarify circulation within the proposed parking area.
 - Label width of Lincoln Street on C-1.
 - Revise “Parking Table” to reflect that there are nine (9) compact parking spaces.
 - Provide a note that there will be no external dumpster on site or provide location and proposed screening.
 - Label proposed snow storage area(s).

Exhibit A: July 20, 2010 memo from City Manager to City Council – re: 16 Salisbury Street.

Exhibit B: Definitive Site Plan application prepared for Acorn Management by Atty. Todd Rodman, dated September 1, 2010, received September 1, 2010.

Exhibit C: Definitive Site Plan, plan set– prepared by GAF Engineering, Inc. dated August 24, 2010, received September 1, 2010.

Exhibit D: Executed Terms of Conveyance – 16 Salisbury Street; dated April 13, 2010.

Exhibit E: Memorandum to the Planning Board from the Division of Planning and Regulatory Services staff, re: 16 Salisbury Street; dated October 1, 2010.

Exhibit F: Memorandum to the Planning Board from the Department of Public Works & Parks staff, re: 16 Salisbury Street; Definitive Site Plan– PB-2010-064; dated October 4, 2010.

Exhibit G: Unit Breakdown. “Proposed Multi-Family; 2 Grove Street; Worcester, MA.”

2. **26 Portland Street – Definitive Site Plan Amendment (PB-2010-065):** Tim Toomey of Entercon Construction, representative for Enterprise Construction LLC, applicant, stated that the applicant is seeking to construct 27 off-street parking spaces. He stated that he met with DPW&P representative (Chris Gagne) who requested to keep drainage on the site and that this was incorporated in the plans. Mr. Adams stated that he met with the applicant and that he is amenable to the proposed changes to the drainage, but that the DPW&P’s comment should be incorporated in the conditions of approval. Mr. Kelly stated that if any changes beyond repair are proposed to the exterior of the building, the applicant may need to apply for a Building Demolition Delay Waiver from the Historical Commission. Ms. Bold recommended the project to the Board and recommended that the applicant submits final revised plans with an updated title sheet with new address and labeled construction materials of parking lot. Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to approved the Definitive Site Plan Amendment with the following conditions of approval:

- That six copies of a revised plan be submitted with the following information:
 - Provide drainage for the proposed parking lot in order to prevent the water from flowing into Portland Street.
 - Provide the address of 26 Portland Street on the title sheet.
 - Label construction materials of parking lot.
- Tree species are to be resistant to Asian Longhorn Beetle.

Exhibit A: Definitive Site Plan Amendment Application – dated September 9, 2010, prepared by Tim Toomey, Entercon Construction – Received September 10, 2010

Exhibit B: Portland Street Lofts – Definitive Site Plan, dated September 10, 2010, Tunison Smith, Received September 10, 2010.

Exhibit C: Memorandum to the Planning Board from the Division of Planning and Regulatory Services staff, re: 26 Portland Street- Amendment to Definitive Site Plan #2; dated October 1, 2010.

Exhibit D: Memorandum to the Planning Board from the Department of Public Works & Parks staff, re: 26 Portland Street; Definitive Site Plan– PB-2010-065; dated October 4, 2010.

OTHER BUSINESS

3. Millbury Street – Public Street – Remove portion from Official Map: Ms. Bold stated this item was petitioned previously and reviewed by the Planning Board on June 3, 2009, at which time it voted 5-0 to recommend the City Council to approve the petition to discontinue, abandon and remove this portion of Millbury Street from the official map. She stated that this item has not yet been voted by City Council. She stated that the petitioner, Evangelino Ottaviano, owner of property at 621 Millbury Street, has resubmitted a petition which only differs in that in addition to the proposed removal, he requests the conveyance of Parcel No 46-320-C by quitclaim deed and Parcel A by release deed. She deferred to the Law Department regarding staff's recommendation for the Board's specific action on this revised request. Ms. Bold stated that with respect to connectivity, in staff's opinion, the removal of the petitioned portion of Millbury Street will not affect vehicular connectivity between other City streets as it is located outside of the paved traveled way of Millbury Street, and that the removal of the petitioned portion of Millbury Street will not affect pedestrian connectivity as the portion to be removed is located between the sidewalk and the property line and the sidewalk and grass buffer will remain part of the public street layout. Ms. Bold stated that with respect to frontage, the removal of the petitioned portion of Millbury Street will not affect frontage for existing or future developments along Millbury Street since 621 Millbury Street would still maintain 120' of frontage along Millbury Street. She stated that the dimensions of the front yard setback for this lot would be extended if the removed portion of Millbury Street was added to the property. Ms. Bold stated that with respect to potential development, the removal of the petitioned portion of Millbury Street will not allow for any further potential development than would otherwise be available with the current configuration.

Mr. Adams stated that when MassHighway constructed Route 146, pieces of land were left over that would have been a right-of-way. He stated that the long-range plan calls for abandonment of these pieces. He had no other comments with respect to the petition.

Ms. Beaton stated that the applicant has been working with the Law Department and the DPW&P, and that the petition, as written, was recommended by the Law Department to the applicant. She stated that a separate issue with respect to conveyance is not part of the Board's review and will be addressed by the City Council.

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0, pursuant to M.G.L. c. 41, §81G, to approve the removal of a ~ 120' portion of Millbury Street, a public street, from the Official City Map, with the following conditions:

- That the City retain the utility easement.
- That the petitioner be responsible for providing plans and descriptions suitable for recording the alteration of the Millbury Street layout.

Exhibit A: Petition requesting discontinuance of portions of Millbury Street - a public way; prepared by Evangelino A. Ottaviano.

Exhibit B: Memorandum to the Planning Board from the Division of Planning and Regulatory Services staff, re: Millbury Street – Petition to Discontinue, Abandon, and Remove a portion from the Official Map; dated October 5, 2010.

Exhibit C: Memorandum to Division of Planning and Regulatory Services staff from Department of Public Works & Parks staff, re: 621 Millbury Street; dated July 7, 2010.

4. Rustic Drive Extension Subdivision - Request for a Work Extension: The applicant was not present. Ms. Bold stated that applicant is requesting a work completion date of September 1, 2011, but that DPW&P is recommending a work completion extension date of June 1, 2011. Ms. Beaton was not sure if the conditions of approval of the previous subdivision amendment were completed and the amendment to the subdivision performance agreement executed. Attn. Howard Stempler, an abutter, stated that he lives in the house in a cul-de-sac built by Scott Green, the applicant. He stated that currently 2 houses have been completed and 1 partially completed. He expressed concern with the fact that he does not know what the work plan and work schedule is. Mr. Adams stated that items to be completed are listed in the executed subdivision performance agreement. He stated that he believed items remaining to be completed consist of topping the road and doing associated grading in an easement area. He stated that the work is associated with construction of roadways and utilities that would service the subdivision, and not construction of building. Mr. Adams recommended work extension to June 1, 2011 as he felt it should provide enough time to complete the work. Ms. Beaton stated that the Board extended the subdivision sunset date to February 3, 2013 at the February 3, 2010 meeting date with conditions that the landscaping buffer (arbor vitae) between the applicant's land and Ms. Bisson's land must be planted by September 1, 2010; the landscaping plan is to include ALB-resistant tree species; and the applicant must submit a new work schedule by March 3, 2010. She stated that she believes the new work schedule was not received by the City, and therefore the amendment to the subdivision performance agreement can not be executed. Mr. Kelly stated that there are several requirements that demand immediate attention, which are technically needed prior to extending the work completion date, per Exhibit C with respect to sewer, stabilization of exposed lots, and more. Mr. Stempler stated that over the past 2.5 years, there was a lot of inactivity and that the work proceeded very slow. Mr. Cashman expressed his dissatisfaction with the developer's work. Ms. Beaton recommended continuing the item in order to provide the applicant the opportunity to respond and address concerns raised by the abutter and the Board. Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to continue the meeting to October 27, 2010.

Exhibit A: Letter from Joan C. Green to Division of Planning & Regulatory Services; re: Rustic Drive Extension Subdivision Plan; dated September 15, 2010.

Exhibit B: Memorandum to the Department of Inspectional Services from the Division of Planning and Regulatory Services staff, re: Lots 1-5, 7 & 8 Rustic Drive Extension – Compliance with Final Definitive Site Plan; dated May 15, 2009.

Exhibit C: Memorandum to the Planning Board from John R. Kelly, Building Commissioner, re: Rustic Drive Extension – Work Completion Date Extension; dated September 29, 2010.

Exhibit D: Letter (e-mail) from Scott Green to John R. Kelly, Building Commissioner, re: Rustic Drive Subdivision; dated September 23, 2010.

- 5. Pine View Avenue:** Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to recommend a Priority #3 designation to make public a portion of Pine View Avenue from Carleton Street to Vivian Street, based on a recommendation from the Department of Public Works and Parks.
- 6. Vivian Street:** Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to recommend a Priority #3 designation to make public the entire length of Vivian Street, from Heard Street to Pine View Avenue, based on a recommendation from the Department of Public Works and Parks.

7. **Carleton Street:** Upon a motion by Mr. Cashman and seconded by Mr. Truman, the Board voted 5-0 to recommend a Priority #3 designation to make public the entire length of Carleton Street, from Heard Street to Pine View Avenue, based on a recommendation from the Department of Public Works and Parks.

APPROVAL OF THE MINUTES

Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to approve the minutes for the August 4, 2010, September 1, 2010 & September 15, 2010 meetings.

OTHER BUSINESS

8. ANR Plans:

- **AN-2010-052, Bangor Street:** Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 4-0 to endorse ANR Plan AN-2010-052 (Mr. Mitra excused himself).
- **AN-2010-053, Burghardt Street:** Upon a motion by Mr. Truman and seconded by Mr. Cashman, the Board voted 5-0 to endorse ANR Plan AN-2010-053.
- **AN-2010-054, Winter Hill Drive & Chester Street:** Upon a motion by Mr. Truman and seconded by Mr. Mitra, the Board voted 5-0 to endorse ANR Plan AN-2010-054.

UNFINISHED BUSINESS

Public Hearing

9. **Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts. Summarily, the proposed amendment would**

- Delete Article IV, Section 6 - Signs in its entirety and insert a new Article IV, Section 6 - Signs.
- Amend Section 2 of Article I - Definitions of the Worcester Zoning Ordinance by deleting all definitions relating to signs and incorporating new and/or revised definitions into Article IV, Section 6. - Signs.
- Amend Section 1 of Article III - Districts by inserting the following designations at the end of the list:
 - Union Station View Corridor Sign Overlay District
 - Blackstone River Parkway Sign Overlay District
 - Blackstone Canal Sign Overlay District
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Union Station View Corridor Sign Overlay District in the area of I-290, Grafton St., Summer St. and Shrewsbury St.
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone River Parkway Sign Overlay District in the area of Blackstone River Road and I-146.

- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries therein described as the Blackstone Canal Sign Overlay District in the area of Millbury, Grafton, Water and Washington Streets.

Items #9 and #10 were taken contemporaneously.

NEW BUSINESS

10. Amend the Zoning Ordinance of the City of Worcester relative to sign regulations, create sign overlay districts and amend the Zoning Map of the City of Worcester to establish sign overlay districts. Summarily, the proposed amendment would:

- Amend Section 1 of Article III – Districts by inserting the following designations:
 - Downtown/Blackstone Canal Sign Overlay District (DSOD)
 - Blackstone River Parkway Sign Overlay District (BSOD)
 - Union Station View Corridor Sign Overlay District (USOD)
- Amend Section 2 of Article III - Zoning Map by designating the area within the boundaries herein described as the Downtown/Blackstone Canal Sign Overlay District generally bordered by the area of Prescott, Goldsberry, Summer, Prospect, I-290, Grafton, Harding Washington, Francis J. McGrath Blvd., Southbridge, Chandler, Linden, Harvard and Lancaster Streets and Rural Drive.

Items #9 and #10 were taken contemporaneously.

Mr. Fontane presented “Proposed Sign Ordinance Amendment: Key Policy Considerations from Planning Board Hearings” (Exhibit A) which summarized key overarching considerations. Mr. Fontane stated that as a result of the previous five public hearing and 115 public comments, over 27 substantive changes have been made to the proposed ordinance. He stated that he believes the public hearing process worked well and made the proposal better. He stated that he would like to present some new information with respect to non-accessory signs. Mr. Fontane stated that staff’s goal was to create a sign ordinance that effectively addresses the community’s needs and values by recognizing the importance of signs to business and proposing a reasonable regulatory framework informed by sign industry’s best practices and sound planning principles related to form and aesthetics.

Mr. Fontane listed 6 Key Overarching Policy Considerations from Planning Board Hearings:

- 1) Regulating signs that are currently exempt
 - Signs with noncommercial speech
 - Temporary window signs
- 2) Increasing the area and number and limiting the location of temporary signs allowed
 - The proposed temporary sign regulations are less restrictive than the current ordinance with the notable exception of temporary window signs.
 - The proposal allows greater area, number and no time limits (except for temp roof signs 90 days).
- 3) Setting Operational Standards for all Signs w/ Digital Display

Exemption for signs with digital displays 12 SF or less.

- 4) Further restricting non-accessory billboards within three sign overlay districts
Prohibiting new non-accessory freestanding and roof billboards within three sign overlay districts.
- 5) Reducing maximum area allowances based on hwy type
Along Limited Access Principal Arterial Roads (I-190, I-290 and Rt. 146)
Other Local Highway Locations (i.e. Rt.-9,12 & 20)
Regulation of Existing Signs
- 6) Requiring conformance with within forty-five (45) days for all existing Window and Temporary Signs.
Requiring conformance operational standards (only) for all signs with digital display within six (6) months.
Requiring conformance with dimensional, spacing and setback requirements for all static to digital conversions.
Grandfathering all legally permitted existing signs not mentioned above.

1) Regulating signs that are currently exempt and 6) Requiring conformance with within forty-five (45) days for all existing Window and Temporary Signs. Mr. Fontane stated that the proposed ordinance would require all existing window (temporary and permanent) and other temporary signs to comply with the new ordinance within 45 days from the date of adoption, and all other signs – within 6 months. He stated that the temporary signs are smaller and relatively inexpensive, and therefore he believed 45 days is a reasonable amount of time for coming into compliance. Mr. Fontane stated that this provision removes the exemption for signs with non-commercial speech thus regulating the container for speech (the sign), and not the speech itself. He stated that 6 month compliance period for other signs would allow sufficient time to outreach and education of the residents and business owners of the new ordinance.

2) Increasing the area and number and limiting the location of temporary signs allowed. With respect to temporary signs, Mr. Fontane stated that the proposed ordinance would prohibit placement of temporary signs: dumpsters, fences, natural features (such as trees), utility poles, fire escapes or across any window or door required for ventilation or egress in such a way as to prevent access; other permanent signs; temporary banner & wall signs. He stated that construction signs, a type of temporary signs, would be allowed to have the same area as permanent signage for proposed building(s), and gave City Square's construction sign as an example.

3) Setting Operational Standards for all Signs w/ Digital Display. With respect to digital signs, Mr. Fontane stated that the ordinance amendment is proposing to grandfather existing digital signs, except for operational standards - conformance with those would be required within six months of adoption – and to require conformance with dimensional, spacing and setback requirements for all static to digital conversions. He stated that conversions from static to digital are only allowed if digital displays are allowed in the underlying zoning district and provided the sign conforms to dimensional, spacing and setback requirements of the ordinance. Mr. Fontane stated that many digital signs are currently easily programmable by computer and therefore are especially attractive for business owners, and stated that he believed 6 month compliance period is reasonable. He stated that there is a proposed exemption from operational standards for pre-existing digital signs with area of 12 SF or less.

4) *Further restricting non-accessory billboards within three sign overlay districts and 5) Reducing maximum area allowances based on hwy type.* Mr. Fontane stated that accessory digital display signs would be prohibited in Residential, Business Office and Airport Districts; permitted by Special Permit in Institutional (IN) zoning districts; and permitted by-right in Business Limited (BL), Business General (BG), and all Manufacturing (MG & ML) zoning districts. He stated that operational standards are important to the overall ordinance, such as – message duration, brightness adjustment, positive contrast orientation, spacing and more. Mr. Fontane stated that the ordinance amendment proposes spacing between billboards to be minimum 300 feet for static billboards, and minimum 1,000 feet between digital billboards viewable from the same way of travel. Mr. Fontane stated that the Board’s key policy consideration is digital signs’ spacing between signs, maximum area allowed and setbacks from residential uses, as well as non-accessory digital signs’ area and spacing.

He stated that research conducted by staff suggests that a maximum 300 SF area is recommended for billboards facing local highways (such as Route 12 and Route 122), and 835 SF area for limited access highways (such as I-290 and I-190), which appears to address vast majority of signs in the field. He stated that he does not make the maximum 835 SF recommendation with as much strength as the maximum 300 SF recommendation. He stated that he believed local roads shouldn’t be overwhelmed.

With respect to non-accessory signs, Mr. Fontane stated that the key consideration is conversion of existing signs to signs with digital display. He stated that according to the analysis staff conducted, approximately 35% of area along highways still available for new billboards would be regulated if the proposed overlay districts are adopted.

With respect to pre-existing non-conforming billboard signs, Mr. Fontane stated that the ordinance amendment proposes that existing non-conforming signs that are being changed, altered, or reconstructed be required to come into compliance with the ordinance. He clarified that this would not include changing the content of sign message, because the intent of the ordinance is to regulate conversion to digital face, not the copy.

With respect to non-conforming conversion to digital display, Mr. Fontane stated that the proposal is to allow conversions from static to digital only if digital displays are allowed in the underlying zoning district and provided the sign conforms to dimensional, spacing and setback requirements of the ordinance. He stated that all non-accessory sign conversions would be required to obtain a special permit and would be subject to the criteria in Article II, Section 6, subsections J(2) and J(6) with additional finding related to conformance to dimensional, spacing and setback requirements of the ordinance. He stated that in case the sign does not conform to those requirements, the applicant would not be able to petition for a Special Permit. He stated that staff’s intent is not to prohibit billboard and digital signs, but to regulate them with respect to dimensional, spacing and setback requirements.

Mr. Cashman asked if it is technologically feasible for all existing digital signs to comply with the proposed operational standards. Mr. Fontane stated that he was not sure and that it depends on when digital signs were purchased. He stated that he was made aware by Mr. Lanava of Worcester Chamber of Commerce of one sign that cannot comply with the proposed operational standards for digital signs – Worcester Community Cable Access (WCCA) TV13 located on Main Street, which can only be a scrolling sign, which is not allowed under the proposed operational standards. He stated that he met with Watchfire company representative who stated that all their signs sold in the last five years have automatic dimming capability. He stated that the ordinance would require the use of photocell that measures ambient light levels and changes accordingly. While photocell were available for several years, not all signs might have this feature. However, a longitude/latitude identifier can be installed with the sign which links up with time zone and time of day and adjusts light levels of a digital sign accordingly. He stated that it is important to include this caveat for users, though photocell would be a

preferred method of adjusting brightness as it is more nuanced. Mr. Fontane stated that digital signs that are 12 SF or less in size would be grandfathered.

Mr. Cashman suggested that WCCA might not be able to afford to purchase a new sign that would comply with operational standards. Mr. Fontane suggested that those digital signs that cannot comply with dimming operational standards, be turned off at night.

Mr. Cashman stated that he believed if there were many complaints with respect to compliance, they would be voiced by now to the Board, because it has been discussed at length. Mr. Truman asked what the proposed objective standard for luminance is. Mr. Fontane concurred with Mr. Truman's and earlier Attn. Longden's comments that a more objective standard should be used, as currently it would be the Building Commissioner's judgment, and stated that his staff is currently doing research on the issue. He stated that staff provided information to the Board of the topic but has not finalized a recommendation yet. He recommended that the Board recommends that staff provides a specific brightness standard proposal to the City Council.

Joe Murray, president of Murray Outdoor Communications, stated that he concurs with the majority of the proposed ordinance, but is against the proposed sign overlay districts. He stated that he believes the overlays would reduce more than 35% of the available area for new billboards. He stated that existing billboards would not be able to relocate if they were located in sign overlay districts and that the Planning Board often conditions an approval of new building construction on the removal of the existing billboards. He stated that owners often choose not to construct a building, because the billboard brings in income they can count on. He stated that the Planning Board already has authority to review applications for land development and that therefore introducing additional overlay considerations is excessive. Mr. Murray spoke against prohibiting existing static billboards from converting to digital in the overlay. He stated that under the proposal, the Board's determination as to whether or not to allow conversion from static to digital, would be speculative. He stated that the safety consideration is not scientific and should be removed from the ordinance. He stated that it is not fair that a Special Permit is required for non-accessory digital signs, but not for accessory digital signs. Mr. Murray stated that it is very expensive to hire engineers and lawyers to secure interest in property and that he would like standards sign company owners can "live by". He urged the Planning Board to let Outdoor Advertising Board address the safety issues because "that's what they do." He stated that a lot of signs are not compliant with the current building code which now requires larger footings for billboards to withstand higher wind loads. He stated that this new code would require vast changes to the structure and would trigger a Special Permit review. He stated that he believed property owners would be limited in expanding the existing buildings or constructing new ones if it meant an existing billboard in a sign overlay district would have to be removed.

Mr. Finkelstein, on behalf of Murray Outdoor Communications, asked what the proposed minimum distance between a static and a digital billboard would be, and said that this regulation was not explicitly stated in the proposed regulations, which might create confusion. Mr. Fontane stated that staff's intent was to propose minimum distance of 300 ft between static and static, and static and digital billboards. Mr. Finkelstein stated that he did not have time to review the "Existing and Proposed Regulations Pertaining to Non-accessory Billboard Signs" map analysis (Exhibit D), which he got on the day of the meeting, but if one looked lot to lot, many lots appeared to be not available for use for one reason or the other. Mr. Fontane stated that he conceded that some lots are more amenable to certain types of development than others, and agreed that there are might be other private constraints that are not related to regulations and not accounted for. Mr. Fontane stated that it appears that the key billboard locations are already taken. Mr. Finkelstein asked what course the Board's deliberation would take. Chair O'Connor stated that the Board has not decided that yet, as additional new information was presented to

the Board. Mr. Finkelstein stated that while he has heard staff's comments, he has not heard from the Board. He urged the Board not to close the public hearing, and stated that the public hearing is between the public and the Board, not the public and staff.

Jo Hart expressed her wish to clarify her response to Damien Jacob at the last meeting. She stated that by "exposed wall" she meant a building wall that has not been seen before, such as walls previously blocked by a building that was later removed. She stated that many signs, such as the Marcus Sign on Main Street, are not located on what she regards as an "exposed wall." She stated that she wants the signs to be "more proactive to the environment, as opposed to responding to interested businesses." She stated that many more signs in the City could be more "proactive." She stated that she liked neon signage and wanted the City to encourage it, especially in the Canal District. Ms. Bold stated that staff is not proposing restriction to internal or external illumination. Ms. Hart stated that she would encourage blade signage such as the ones on the train station platforms. Ms. Bold requested clarification that Ms. Hart is speaking about freestanding signs, not blade signs attached to the building (defined in the proposed ordinance as projecting signs). Ms. Hart said yes and said there are usually a series of them one can see from the moving train. She encouraged the usage of signs "that are suitable to the environment" and stated that she found strip-mall signage very unattractive and that she believed it should be regulated. Ms. Hart stated that the sign in the area of Northworks Bar & Grille had many empty slots that filled up over time but that they are too small to see. She voiced her disapproval of the roof sign supporting structures without signs on them. She asked if they will be removed. Mr. Fontane stated that sign removal includes sign structure removal. Ms. Hart suggested that the ordinance has "more teeth" with respect to removal of those structures.

Mr. Cashman stated that this is the 6th hearing and that a lot of information was presented. He stated that he did not believe it was only administration's proposal, as there was a lot of "give and take" along the way. He stated that he believed from a big picture perspective, some regulations of signs are necessary. Mr. Cashman stated that there seem to be two big issues – temporary window signs and digital signs. He stated that he is hesitant to close the public hearing. Chair O'Connor concurred that the hearing should be continued. Mr. Finkelstein stated that he saw no point of closing the public hearing. He stated that the Board is the policy making body that will be making recommendations to the City Council, and if during the course of deliberation the public wants to comment, it should be able to do so. He also stated that if the public hearing is closed, it would be unfair that staff might speak to the Board but the public would not be allowed to do so. Mr. Cashman stated that he saw no problem with keeping the hearing open and to close it when the Board is ready to vote.

Mr. Cashman asked about the safety criteria in the Special Permit for non-accessory signs. Mr. Fontane stated that traffic flow and impact is an existing Special Permit criterion for other uses and therefore is legitimate. He stated that Special Permits apply to specific sites, and that they help to regulate the uses when they are generally accepted, but might not appropriate for some sites. Attn. Longden stated that the proposed ordinance sets operating standards and stated that he believes a Special Permit should not be required as long as the applicant operates according to set standards. Mr. Fontane stated that the standards are necessary for safe operation, but not always sufficient, as each case depends on the site-specific context. Mr. Fontane stated that the applicant would be required to provide information to demonstrate that s/he meet the criteria, while the Board would thoughtfully consider evidence provided and make a finding. He stated in response to Mr. Murray's earlier comment that the City is legally allowed to regulate accessory and non-accessory signs differently. He stated that while non-accessory signs require a Special Permit, in the current and the proposed ordinance, they also are allowed to be much larger than the accessory signs, have their entire face to be digital, and be located in key highway locations with high levels of traffic. Therefore, he reasoned, the proposed safety criteria of the Special Permit are warranted.

Chair O'Connor stated that based on the information provided by staff (Exhibit F), the Outdoor Advertising Board regulates digital billboard signs in 35 states. She asked what regulations exist in the rest of the states. Mr. Fontane responded that the rest of the states, including Massachusetts, don't explicitly allow digital billboards. Ms. Bold stated that the study was conducted for states, but that many municipalities within those states have a wide range of regulations as well regarding timing, duration, spacing, etc. which might be more restrictive than state's regulations. Mr. Fontane stated that the state of Massachusetts is testing sites for digital billboards currently and is expected to develop regulations based on findings within a year. Mr. Cashman stated that digital billboards are an evolving technology and that parts of the ordinance can be revisited in the future, but that the current form is "the best attempt at getting to it". Mr. Fontane stated that billboard spacing is just one of the Board's considerations with respect to regulating digital billboards, but that different dimensional, setback and spacing regulations depend on each other. For example, the spacing can be changed to 500 ft between digital billboards, which would mean that people would be exposed to more message changes. Chair O'Connor stated with respect to the current maximum allowed area for billboards – 1,200 SF - that she has not noticed a billboard on a highway so large that she thought it was inappropriate. Mr. Fontane stated that if setback from the highway is large enough, it could work. He recommended reducing the maximum area to 825 SF as he thought it would still address the advertising need for billboard companies. He stated that he felt more strongly with respect to setting a 300 SF maximum for billboards on the local highways such as Routes 9 and 12. Mr. Fontane stated that the majority of billboards in these areas are already 300 SF (Exhibit D3) which shows that industry already understands the environment and context. Mr. Rolle stated that he supports a 300 SF maximum for billboards on local highway because most accidents happen on these streets. Mr. Fontane stated that while currently the City does not have many digital signs, the number will likely increase dramatically over time, thus making operational standards even more important. He stated that signs with changing copy attract long gazes, and that fading in and out holds one's attention even longer, therefore the proposed operational changes require near instantaneous change of message. He stated that messages that hold a gaze longer than 2 seconds has been determined to be dangerous (Exhibit G), and therefore 1 second seemed to be reasonable.

Mr. Truman asked for a rationale of grandfathering digital signs that are 12 SF or less in size. Mr. Fontane stated that the Chamber of Commerce expressed concern that small businesses may have invested in digital technology that cannot comply with the proposed regulations or would significantly limit the payback on their investments. He stated that signs less than 12 SF are small enough that they most likely will be ignored by drivers, and therefore be safer and more pedestrian oriented. As an example, he stated that the digital sign for an insurance company at an intersection of Wachusett and Highland Streets is 12 SF; the Owl Shop's digital sign is 3-4 SF; WCCA is about 12 SF. He stated that if a digital sign scrolls too fast, it tends to be ignored, but if it scrolls very slowly – it holds the gaze and might be dangerous for a driver. Mr. Truman stated that he finds several small digital signs in the City distracting. Mr. Rolle concurred with Mr. Truman and stated that 12 SF size seems somewhat large to him. Mr. Mitra asked if scrolling of digital signs was allowed before. Mr. Fontane responded that currently there are no regulations for these types of signs, and that digital signs were treated as "motion signs" with no requirements for operational standards. He stated that an example of a 6 SF sign is a Worcester State College's welcoming sign.

Mr. Rolle concurred with other members not to close the public hearing. Chair O'Connor proposed to narrow down the issues that need to be discussed at the next meeting. Mr. Fontane suggested that the Board discuss: 1) Conversion of billboards from static to digital face; 2) Luminance operational standards; 3) Whether or not to allow billboards' conversion to digital in the proposed Sign Overlay Districts. He stated that staff will work on language that will clarify the intent in order to minimize

interpretations. Ms. Beaton clarified that closing of the public hearing would not preclude the Board from relying on staff for clarification, as it is not regarded as testimony.

Mr. Rolle stated his disappointment with the fact that Attn. Finkelstein left the meeting now that the Board was ready to discuss issues and share its opinions.

Mr. Cashman stated that he would not like to see digital signs along I-290, close to Union Station, and the bikeway along Route 146. Mr. Truman stated that he felt similarly to Mr. Cashman previously, but now he believes that distracting digital signs are part of what he called “old technology” and that new digital signs sometimes do not even look like digital signs. Mr. Cashman concurred that some of the issues the Board is trying to address have to do with operational standards. Mr. Fontane stated that the digital sign on Grafton Street is run like a TV.

Mr. Rolle stated that the intent of the Sign Overlay Districts is to preserve architectural and historic nature of the area and stated that he did not believe digital signs were appropriate in those areas. Mr. Rolle stated that he supports the proposed Union Station and Blackstone Canal Sign Overlay Districts, but that he was “on the fence” regarding the Blackstone River Parkway Sign Overlay District because it does not represent the same density or the same character as the other two overlays and also because of recent big box retail development. He also stated that he recognizes that Mass Department of Transportation designed the corridor, invested resources in constructing it, and has interest in preserving the aesthetics of it. Mr. Fontane stated that there will be a bike path along portion of the Route 146, a portion of the proposed overlay, and that therefore no billboards will be allowed within 300 ft of the off-street portion of the bike path, which is considered recreational area according to OAB. He stated that rationale behind this sign overlay district was to restore aesthetics of the roadway which is a designated national heritage corridor. He asked the Board to consider whether billboards could be part of the park image. Mr. Rolle noted that much of the proposed Blackstone River Parkway sign overlay district was in the bike path buffer. Mr. Cashman stated that he did not realize the City already has so many billboard until he saw the map and the list of currently permitted billboards (Exhibit D). Chair O’Connor stated that she does not think that the existing billboards clutter the City. Mr. Truman noted that not all billboards on the list are freestanding, but that some are roof-mounted billboards. Mr. Cashman stated that he is in favor of sign overlay districts. Mr. Fontane stated that staff recommends not to allow new billboards in the proposed sign overlay district. With respect to billboards converting to digital, he stated that if billboards are allowed to convert to digital in sign overlay districts, many are currently non-conforming with respect to many dimensional requirements, and that they should be required to conform prior to conversion to digital. Mr. Fontane noted that billboard locations on the map provided (Exhibit D) are approximate. Mr. Truman suggested posting handouts on-line so that everyone can see them. Mr. Fontane stated that the documents will be posted on City of Worcester website under the “special interest” section on the homepage.

Mr. Mitra requested that the final language be provided to the Board incorporating all the changes made to the initial proposal. Ms. Bold stated that she will do track changes of all the changes and that she can create “a shadow ordinance” for the members if they would like to. The Board said yes. Ms. Beaton suggested to separate the proposed edits into minor and substantive changes.

Upon a motion by Mr. Truman and seconded by Mr. Rolle, the Board voted 5-0 to continue the hearing to October 27, 2010.

Exhibit A: Presentation. “Proposed Sign Ordinance Amendment: Key Policy Considerations from Planning Board Hearings.” Presented by: Joel Fontane, AICP –Director, Division of Planning & Regulatory Services, City of Worcester, MA. October 6, 2010.

Exhibit B: Proposed Changes for Consideration by the Planning Board at the 10/6/2010 Public Hearing.

Exhibit C: DPRS Staff Response to Oral Comments from the Planning Board’s June 23, 2010 Public Hearing, dated August 4, 2010, updated October 1, 2010.

Exhibit D: Memorandum to the Planning Board from Joel Fontane, AICP –Director, Division of Planning & Regulatory Services; re: “Non-Accessory Sign Regulation Analysis”; dated October 5, 2010.

- Exhibit D1: Table #1: Length of Highway Subject to Current & Proposed Non-Accessory Billboard Regulations (OAB, Wetlands & Zoning)
- Exhibit D2: Map: “Existing and Proposed Regulations Pertaining to Non-accessory Billboard Signs.” Division of Planning & Regulatory Services, City of Worcester, MA.
- Exhibit D3: List. “Outdoor Advertising Board - Emailed List of Active Billboard Permits – 2010.”

Exhibit E: Map “Proposed Sign Overlay District: Downtown/Blackstone Canal, as Amended by Planning Board.”

Exhibit F: Outdoor Media Association Inc. Table 1: Summary of US states’ standards for digital billboards. www.oma.org.au

Exhibit G: Memorandum to the Planning Board from Joel Fontane, AICP –Director, Division of Planning & Regulatory Services; re: “Signs With Digital Display”; dated June 23, 2010.

ADJOURNMENT: Upon a motion by Mr. Cashman and seconded by Mr. Mitra, the Board voted 5-0 to adjourn the meeting at 9:06 pm.